

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of STEPHEN BRUNSON and U.S. POSTAL SERVICE,
MORGAN STATION, New York, N.Y.

*Docket No. 96-436; Submitted on the Record;
Issued January 7, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant has met his burden of proof to establish that he sustained a recurrence of disability beginning December 28, 1994 causally related to his April 24, 1988 employment injury.

On April 24, 1988 appellant, then a 34-year-old mailhandler, sustained a low back strain in the performance of duty when he pulled a mailbag. Appellant stopped work on the date of injury and returned to his regular duty on May 31, 1988.

The Office of Workers' Compensation Programs accepted appellant's claim for low back strain.

On January 3, 1995 appellant filed a recurrence of disability claim alleging that his condition and disability as of December 28, 1994 were causally related to his April 24, 1988 employment injury. Appellant stated:

“[A]fter going on coffee break on [December 28, 1994] my lower back started hurting me very bad for no reason I can pin point. I believe my present condition is related cause I hurt my back on the job twice and my doctor believes this to[o].”

Appellant stopped working on December 28, 1994.

In support of his claim, appellant submitted disability certificates from Dr. Ronald Richman, a Board-certified orthopedic surgeon, who reported that he was evaluating appellant for low back syndrome and that appellant was under a complete bed rest regimen pending reevaluations.

By letter dated March 11, 1995, the Office advised appellant of the deficiencies in the claim. The Office requested appellant submit rationalized medical evidence addressing whether his present condition was causally related to his April 24, 1988 injury.

Appellant submitted a June 26, 1995 disability certificate from Dr. Todd B. Soifer, an orthopedic surgeon, who recommended that appellant engage in sedentary work and provided a list of work restrictions.

In a decision dated July 5, 1995 and finalized on July 19, 1995, the Office rejected appellant's claim, finding that the evidence of record failed to establish causal relationship between the April 24, 1988 employment injury and appellant's claimed recurrence of disability.

The Board finds that appellant did not meet his burden of proof in establishing that he sustained a recurrence of disability beginning December 28, 1994 causally related to his April 24, 1988 employment injury.

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that the recurrence of a disabling condition for which he seeks compensation was causally related to his employment injury.¹ As part of such burden of proof, rationalized medical evidence showing causal relation must be submitted.² The fact that a condition manifests itself during a period of employment does not raise an inference of causal relationship between the two.³

Appellant has not submitted any medical evidence from a physician who, on the basis of a complete and accurate factual and medical history, has concluded that he has any condition or disability causally related to his April 24, 1988 employment injury. In support of his claim, appellant submitted disability notes from Drs. Ronald Richman and Todd B. Soifer. While these disability notes support the fact that appellant had a back condition after December 28, 1994, and was either partially or totally disabled for various periods, they do not address whether he sustained a recurrence of disability causally related to the April 24, 1988 injury, which is the issue in this case.

As neither Dr. Richman nor Dr. Soifer provided an opinion on whether the diagnosed condition of low back pain was causally related to the April 24, 1988 employment injury, their opinions are insufficient to meet appellant's burden of proof.⁴ Appellant was advised of the deficiencies in the claim and had failed to provide the requested information. This included a request that appellant submit rationalized medical evidence addressing how his current condition would be related to his April 24, 1988 work injury. It is not enough for appellant to allege a causal relationship between his work and his stated condition; evidence of the nature of any

¹ *Barbara J. Williams*, 40 ECAB 649 (1989); *James A. Long*, 40 ECAB 538 (1989).

² *Id.*

³ *Id.*

⁴ *Lucrecia M. Nielsen*, 42 ECAB 583 (1991).

disabling condition and its relationship to a particular employee's work can only be given by a physician fully acquainted with the relevant facts and circumstances of the employment injury and the medical findings. Thus, as a lay person, appellant's opinion that his current back condition is causally related to his April 24, 1988 employment injury has no probative value on the medical issue.⁵ Appellant, therefore, has not provided probative medical evidence sufficient to establish that he sustained a recurrence of disability causally related to his April 24, 1988 employment injury.

The decision of the Office of Workers' Compensation Programs dated July 5, 1995 and finalized on July 19, 1995 is hereby affirmed.

Dated, Washington, D.C.
January 7, 1998

Michael J. Walsh
Chairman

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

⁵ *Birger Areskog*, 30 ECAB 571 (1979); *see also James A. Long*, 40 ECAB 538 (1989).